

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
(Central Division)**

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**LARRY ZUBROD, Individually and  
as Administrator for the ESTATE OF  
MICHAEL ZUBROD and CHERYL  
ZUBROD, Individually and as  
Administrator for the ESTATE OF  
MICHAEL ZUBROD,**

**Plaintiffs,**

**vs.**

**SHAYNE HOCH, ISAAC SHORT, and  
JOHN SMITH, in each man's  
individual capacity as a Law  
Enforcement Officer for the Worth  
County Sheriff's Office; SHERIFF  
JAY LANGENBAU, in his individual  
capacity, and WORTH COUNTY,  
IOWA,**

**Defendants.**

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**Case No. 6:15-cv-02065-LRR**

**PLAINTIFFS' DESIGNATION OF  
EXPERT WITNESSES**

**COMES NOW**, the Plaintiffs, Larry and Cheryl Zubrod, by and through his undersigned counsel, and pursuant to the orders establishing deadlines for expert designation and Federal Rule of Civil Procedure 26, hereby provides timely notice that the following witnesses may be called to provide expert testimony in the above-captioned matter:

*I. Rule 26(2)(B) (Experts Retained in Anticipation of Litigation)*

1. Mr. Brian W. Crotty, ASA, CBA, CFE, CDFA, MBA  
HDH Advisors, LLC  
1601 22<sup>nd</sup> ST – Suite 305  
West Des Moines, Iowa 50266  
515-225-3796

Mr. Crotty is an expert witness who has been retained for purposes of providing testimony under Federal Rules of Evidence 702, 703 and/or 705. Mr. Crotty is an

expert in the field of forensic accounting and valuation. Mr. Crotty has testified in various court proceedings throughout the state of Iowa. He is expected to testify and offer expert opinions relating to the lost income damages suffered by the decedent as delineated in his written report which is attached hereto and marked as Exhibit 1. A copy of Mr. Crotty's curriculum vitae is attached hereto and marked as Exhibit 2.

2. Dr. Daniel Joseph Spitz, M.D.  
34051 South Gratiot Avenue, Suite 202  
Clinton Township, MI 48035  
(586)791-6700  
(313)806-2002 (direct)

Dr. Spitz is an expert witness who has been retained for purposes of providing testimony under Federal Rules of Evidence 702, 703 and/or 705. Dr. Spitz is an expert in the field of forensic pathology. Dr. Spitz has testified in various court proceedings throughout the United States. He is expected to testify and offer expert opinions relating to the cause of death of Mr. Zubrod including but not limited to causation between the excessive tasing and Mr. Zubrod's death, as obtained through his review of the records provided to him. Attached is a preliminary draft of his written report which is attached hereto and marked as Exhibit 3. A copy of Dr. Spitz's curriculum vitae is attached hereto and marked as Exhibit 4.

3. MSgt. William E. Dean, USMC Ret.  
4095 Matthews Place  
Fort Knox, KY 40121  
(502)378-0418

Sergeant William Dean is an expert witness who has been retained for purposes of providing testimony under Federal Rules of Evidence 702, 703 and/or 705. He is a retired law enforcement officer and Marine Corps sergeant with over 30 years of police experience in a wide variety of environments, including as a county sheriff in rural Iowa. He is an expert in the use of force by virtue of this experience. Mr. Dean is expected to be called to testify to police procedures, police use of force, law enforcement procedures and protocol that Defendant Deputies used unreasonable and/or excessive force while engaging with decedent on or about September 23, 2013. Attached is his preliminary report based upon discovery currently in plaintiffs' possession and marked as Exhibit 5. A copy of Mr. Dean's curriculum vitae is attached hereto and marked as Exhibit 6.

## *II. Rule 26(2)(C) (Experts Not Retained in Anticipation of Litigation)*

1. Jonathan G. Thompson, M.D.  
2260 S. Ankeny Blvd.  
Ankeny, IA 50023-9093  
(515)725-1400

Dr. Thompson is an associate medical examiner for the State of Iowa. He conducted the autopsy examination of Michael Zubrod at the Office of the State Medical Examiner in Ankeny, Iowa on September 23, 2013. This witness is expected to testify under Federal Rule of Evidence 702, 703, or 705 regarding the injuries sustained by Mr. Zubrod as a result of his encounter with the police, the contribution Defendants' taser had on Mr. Zubrod's death, as well as the manner of Mr. Zubrod's death. The witness is expected to also testify in regard to the general physical condition of Mr. Zubrod as observed during the autopsy as well as any and all tests conducted during the medical examination.

2. Treating Physicians  
Mercy Medical Center – North Iowa  
1000 4<sup>th</sup> Street SW  
Mason City, IA 50401

Treating physicians and staff and Mercy Medical Center are expected to testify to the condition of the decedent at the time of his arrival on the night/morning in question. These witnesses will testify to all medical measures taken to resuscitate the decedent or otherwise restore his life. Finally, these witnesses will testify consistent with the medical records and bills supplied and any pre-trial sworn testimony.

3. Judy Johnson, ARNP  
Mental Health Center of North Iowa  
Psychiatric Services  
235 South Eisenhower  
Mason City, IA 50401  
(641)424-2075

Ms. Johnson is a Registered Nurse who was among the mental health professionals to examine Michael prior to his death. This witness is expected to testify under Federal Rule of Evidence 702, 703, or 705 regarding issues of Michael's mental health, medical diagnoses, and state of mind. Finally, this witness will testify consistent with the medical records and bills and any pre-trial sworn testimony.

4. Mark E. Lassise, M.D.  
Mental Health Center of North Iowa  
Psychiatric Services  
235 South Eisenhower  
Mason City, IA 50401  
(641)424-2075

Dr. Lassise is a licensed medical doctor who provided therapy to Michael in the years prior to his death. This witness is expected to testify under Federal Rule of Evidence 702, 703, or 705 regarding issues of Michael's mental health, medical

diagnoses, and state of mind. Finally, this witness will testify consistent with the medical records and bills and any pre-trial sworn testimony.

5. Rogerio Ramos, M.D.  
Mental Health Center of North Iowa  
Psychiatric Services  
235 South Eisenhower  
Mason City, IA 50401  
(641)424-2075

Dr. Ramos is a Medical Doctor who provided therapy to Michael in the years prior to his death. This witness is expected to testify under Federal Rule of Evidence 702, 703, or 705 regarding issues of Michael's mental health, medical diagnoses, and state of mind. Finally, this witness will testify consistent with the medical records and bills and any pre-trial sworn testimony.

6. H.B. Starks, M.D.  
Mental Health Center of North Iowa  
Psychiatric Services  
235 South Eisenhower  
Mason City, IA 50401  
(641)424-2075

Dr. Starks is a Medical Doctor who provided therapy to Michael in the years prior to his death. This witness is expected to testify under Federal Rule of Evidence 702, 703, or 705 regarding issues of Michael's mental health, medical diagnoses, and state of mind. Finally, this witness will testify consistent with the medical records and bills and any pre-trial sworn testimony.

### III. *Reservations*

Plaintiffs reserve the right to certify additional experts as may be necessary to rebut Defendants' claims;

Plaintiffs reserve the right to call any expert designated or identified by Defendants in this matter;

Plaintiffs reserve the right to call any other health care providers not identified herein but listed in the medical records for purposes of having them testify as to opinions formulated on any issue of this case based upon that person's personal knowledge, education, experience, and review of the records and other pertinent documents; and

Plaintiffs reserve the right to supplement this list as additional experts are disclosed and identified through further investigation and/or discovery.

*Respectfully submitted,*

**PARRISH KRUIDENIER DUNN BOLES GRIBBLE  
GENTRY BROWN & BERGMANN, L.L.P.**

By:           /s/ R. Ben Stone          

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**ATTORNEYS FOR PLAINTIFFS**

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**ATTORNEY FOR PLAINTIFFS**

**PROOF OF SERVICE**

The undersigned certifies that the foregoing instrument was served upon all parties to the above cause by:

<input type="checkbox"/> personal service	<input type="checkbox"/> first class mail
<input type="checkbox"/> certified mail, return receipt requested	<input type="checkbox"/> facsimile
<input type="checkbox"/> Airborne Express (overnight)	<input type="checkbox"/> electronic filing
	<input type="checkbox"/> e-mail

on the 29th day of April, 2016.

I declare that the statements above are true to the best of my information, knowledge and belief.

-----/s/ R. Ben Stone-----

**Copies to:**

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**ATTORNEY FOR DEFENDANTS**